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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,509

08/21/2003

Tatsuo Morimura

58546.00012

6591

32294

7590

08/18/2004

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER

JARRETT, RYAN A

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/644,509		MORIMURA, TATSUO	
	Examiner		Art Unit	
	Ryan A. Jarrett		2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-17, 19-22, 24, 25 and 27 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 18, 23 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/21/03, 4/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4/5/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

There is no explanation of the relevance of reference AI.

Claim Objections

2. Claims 4, 11, 13-17, and 21 are objected to because of the following informalities:

In claim 4, line 4, "by" should be changed to "of".

In claim 11, line 4, "by" should be changed to "of".

In claim 13, line 5, "reason" should be changed to "reasons".

In claim 14, line 1, "potable" should be changed to "portable".

In claim 14, line 3, "potable" should be changed to "portable".

In claim 15, line 1, "potable" should be changed to "portable".

In claim 16, line 1, "potable" should be changed to "portable".

In claim 17, line 1, "potable" should be changed to "portable".

In claim 17, line 4, "by" should be changed to "of".

Art Unit: 2125

In claim 21, line 5, "by" should be changed to "of".

In claim 21, line 8, "by" should be changed to "of".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-12, 14-17, 19-22, 24, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Magario US 2002/0031567. For example, Magario discloses a molding machine managing system, comprising: a portable information terminal having a display part where received information is displayed (e.g., Fig. 1 #210); and a managing apparatus (e.g., Fig. 1 #110, #111) for managing a molding machine (e.g., Fig. 1 #101), wherein the managing apparatus includes a radio machine (e.g., Fig. 1 #110), and information is exchanged between the portable information terminal and the managing apparatus by the radio machine (e.g., Fig. 1 #209);

wherein information about a history of an operation abnormality of the molding machine is transferred from the molding machine to the managing apparatus and subsequently transferred to the portable information terminal via

the radio machine, so as to be displayed at the display part of the portable information terminal (e.g., [0033], [0034]);

wherein information about an instruction or a change of an operation of the molding machine is transferred from the managing apparatus to the portable information terminal via the radio machine, so as to be displayed at the display part of the portable information terminal (e.g., [0033], [0034]);

wherein based on input of information of molding operations by of the molding machine to the portable information terminal, the information is transferred to the managing apparatus via the radio machine and subsequently transferred to the molding machine (e.g., [0035]);

wherein the information of molding operations is information with respect to a mold provided at the molding machine, a relation between the mold and a molding condition is registered, and based on input of the information with respect to the mold to the portable information terminal, the information is transferred to the managing apparatus via the radio machine, so that the managing apparatus uploads a molding condition necessary for the molding machine (e.g., [0035]);

wherein the molding machine is connected to the portable information terminal by one of radio and wire, and a setting condition of the molding machine is changed by the portable information terminal (e.g., Fig. 1, [0035]).

Allowable Subject Matter

5. Claims 6, 13, 18, 23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art obtained by the examiner fails to teach or fairly suggest a molding machine managing apparatus that receives information from a portable information terminal with respect to reasons for stopping a molding machine that cannot be determined by the managing apparatus so that the information is registered at the molding machine managing apparatus, in combination with the remaining features and elements of the claimed invention.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

8/10/04



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100